

Remarks

This paper is filed in response to the Office Action mailed December 1, 2005, in which claims 1-65 were pending in the application. All claims stand rejected. By this paper, claims 1-7, 11, 13, 15, 19, 31-37, 41-43, 45, 49, 51-57, and 61-65 have been amended, claims 9, 10, 14, 17, 18, 21-30, 39, 40, 44, 47, 48, and 59 have been cancelled, and new claims 66-68 have been added. Reconsideration of the claims is respectfully requested.

Claim Rejections

Claims 1-6, 8-10, 13-18, 21-23, 25, 26, 29-36, 38-40, 43-48, 51-53, 55, 56, and 59-65 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0038690 by Palmer et al ("Palmer"). Claims 7, 24, 37, and 54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer in view of U.S. Patent Application Publication No. 2002/0172330 by Brunelle et al. ("Brunelle"). Claims 11, 12, 19, 20, 27, 28, 41, 42, 49, 50, 57, and 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer. As set forth below, the Applicants respectfully submit that each of the pending claims is patentably distinct from the cited prior art.

The cited prior art fails to teach or suggest automatically buffering a television signal for subsequent playback after an interactive option is made available.

Each of the pending independent claims has been amended to recite that an interactive option relating to television programming—or a subset of what is encompassed by such an interactive option—is made available. These claims also

now recite that the television signal is automatically buffered for subsequent playback at some point in time after the interactive option is made available. None of the cited references, whether considered alone or in combination, disclose or suggest these features.

As set forth on pages 20 and 21 of the Application, the Applicants have disclosed a system for detecting an interactive option—such as an interactive survey, purchasing opportunity, or embedded Internet link, for example—in an interactive television system. This detection (detecting the availability or presentation of the option to the user, or detecting the user's activation of the option, for example) is used as a trigger to automatically initiate a buffering operation of a television signal. As recited in the amended claims, the interactive option relates to, or provides the user with the ability to interact with, the television programming. This allows a user to enjoy the functionality of an interactive television system without the drawback of missing portions of the television programming he or she is watching while interacting with the television system.

Both of the cited references—Palmer and Brunelle—relate to managing telephone calls with a television system, but neither addresses the idea of enhancing interactive television by providing a user with the ability to interact with television programming without missing the associated television programming while doing so. As described in the specification, a user may be presented with an “interactive option” and thereby interact with the television programming he or she is viewing by purchasing a product shown on a commercial, completing a survey relating to a television program or commercial, or surfing the Internet with embedded links

provided to the user in connection with a television program, for example. In accordance with the Applicants' claimed invention, the user may participate in such an interactive option without worrying about missing the programming which generated the option. The cited references deal exclusively with managing telephone communications through a television system. Such communications do not relate to the television programming, nor do they allow the user to interact with the television programming. A telephone communication therefore cannot reasonably be considered an "interactive option" as recited in the pending claims. Accordingly, not only do the cited references fail to teach buffering and subsequently resuming a television signal in response to an interactive option, they fail to even mention providing such an interactive option in the first place.

Some of the pending independent claims have been amended to more narrowly recite specific types of interactive options. For example, claim 51 has been amended to recite a component that detects an "interactive survey relating to the displayed television signal" becoming available, and a component that "automatically buffers the television signal for subsequent playback after termination of the interactive survey." Neither of the cited references disclose or suggest providing an interactive survey, let alone buffering a television signal for subsequent playback after termination of an interactive survey.

Likewise, claims 61 and 62 have been amended to recite detection of "an interactive commercial opportunity relating to the television signal becoming available" and automatically buffering the television signal for subsequent playback after a user responds to the interactive commercial opportunity. An interactive

commercial opportunity, like an interactive survey, is a type of interactive option. The cited references also fail to disclose or suggest buffering a television signal for playback after a response to an interactive commercial opportunity has been received. Accordingly, claims 51, 61, and 62 provide additional bases for patentability.

New claims presented herein recite additional features not disclosed or suggested by the cited prior art.

Claim 67 requires the interactive option to be enabled by "sending at least one trigger to the interactive television system." Claim 68 requires the interactive option trigger to comprise a network address. Support for these claims can be found in pages 20-21 of the specification. Neither of these limitations are disclosed or suggested by the cited references.

A "trigger" is a known term in the art. Triggers are used to indicate the availability of an interactive service. One example of a trigger, which is also provided as an example in the Application, is an ATVEF (Advanced TV Enhancement Forum) trigger. Triggers may contain a network address, such as a Universal Resource Locator (URL), that defines the location of content for the interactive option. Claim 68 requires the trigger to contain a network address. In addition to failing to meet the limitations of the claims from which new claims 67 and 68 depend, the cited prior art fails to meet the limitations of these new claims.

Conclusion

For at least the foregoing reasons, the Applicants respectfully submit that each of the pending claims is patentably distinct over the cited references, alone or in combination. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By 

Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999